

REMARKS

Claims 125-147 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 125-132 and 139-147, drawn to a method of comparing at least one chromosome or part thereof from a cell with a first karyotype with the corresponding chromosome or part thereof from a cell with a second karyotype; and

Group II, claims 133-138, drawn to a nucleic acid attached to a solid support or an array of nucleic acids.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 125-132 and 139-147.**

The Examiner indicates that unity of invention does not exist and the Examiner states that Fiegler *et al.*, *Genes, Chromosomes and Cancer*, 2003, 36: 361-374 (“Fiegler *et al.*”) allegedly anticipates instant claim 125.

Applicants respectfully submit that Fiegler *et al.* does not break the unity of invention, and even assuming *arguendo* that this reference anticipates instant claim 125, Applicants are not aware of instructions in the MPEP that the determination of a special technical feature in the claims is solely made before prosecution begins and that the special technical feature cannot be added during prosecution by amendment. Should Applicants amend the claims to recite features not described in the prior art references, then these features should be considered when considering unity of invention throughout prosecution.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Linda T. Parker, Registration No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

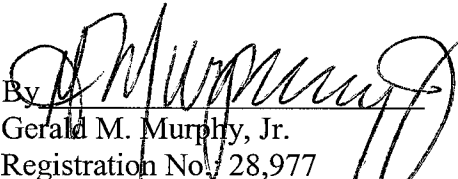
Application No.: 10/551,150

Docket No.: 0641-0273PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By   
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